



Attorney's Docket No. 040989/283649

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Hiatt *et al.* Confirmation No.: 4901  
Appl. No.: 10/062,467 Group Art Unit: 1651  
Filed: February 5, 2002 Examiner: David M. Naff  
For: NOVEL EPITHELIAL TISSUE IMAGING AGENT

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER  
UNDER 37 C.F.R. § 1.321(c)**

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. Also enclosed is a check in the amount of \$130.00 for a large entity or \$65.00 for a small entity [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 16-0605 for any additional fee that may be required or credit any overpayment.

Respectfully submitted,

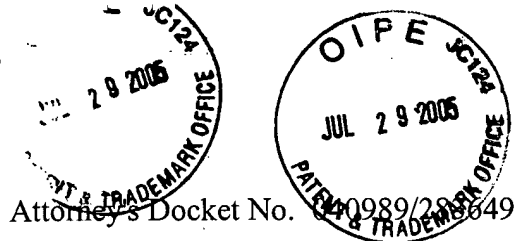
Edward R. Ergenzinger  
Registration No. 47,549

**CUSTOMER NO. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 27, 2005.

  
Lynda-Jo Pixley



Attorney's Docket No. 0989/288649

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Hiatt *et al.* Confirmation No.: 4901  
Appl. No.: 10/062,467 Group Art Unit: 1651  
Filed: February 5, 2002 Examiner: David M. Naff  
For: NOVEL EPITHELIAL TISSUE IMAGING AGENT

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)**

I, Edward R. Ergenzinger, am an attorney of record of the disclaimant, Plantibodies Corporation, and am authorized to execute this disclaimer on behalf of John Irick. The disclaimant, Plantibodies Corporation, having a principal place of business at 158 Credle Street, Pittsboro, NC 27312, is the owner of all right, title, and interest in the above-identified application, by Assignment recorded February 24, 2005 at Reel 015778, Frame 0716.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,391,280, issued May 21, 2002, entitled CHAIN POLYPEPTIDE TARGETING MOLECULE LINKED TO AN IMAGING AGENT, which patent was assigned to the above-identified disclaimant by an Assignment also recorded February 24, 2005 at Reel 015778, Frame 0716.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,391,280, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,391,280 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or

08/01/2005 EFLORES 00000018 10062467

02 FC:2814

65.00 DP

RTA01/2186101v1

In re: Hiatt *et al.*  
Appl. No.: 10/062,467  
Filing Date: February 5, 2002  
Page 2

---

terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Edward R. Ergenzinger  
Registration No. 47,549

Date: 7/27/05

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111